

REMARKS

This Amendment is being filed in response to the Office Action dated December 5, 2006. Claims 1-22 are currently pending in the application, of which claims 12-15 are allowed and 1-11 and 16-22 stand rejected. Of these, claims 1, 12 and 16 are independent. By this Amendment, claims 1, 9, 12 and 16 are amended and claim 23 is added. Accordingly, claims 1-23 remain pending in this application. Applicant respectfully submits that the amendments have been made without prejudice and solely for grammatical purposes, and not to limit or narrow the scope of these claims in any way. No new matter has been added. Applicant respectfully requests reconsideration in light of the amendments and comments set forth herein, and respectfully maintains that this application is in condition for allowance.

Allowable Subject Matter

Applicant notes with appreciation the allowance of claims 12-15. Applicant also notes with appreciation the inference that claims 16-22 will be allowable if the rejection under 35 U.S.C. § 112 is overcome, as no other substantive rejection of claims 16-22 is set forth in the Office Action.

Rejection Under 35 U.S.C. § 112

In the Office Action, claims 16-22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out the distinctly claim the subject matter which applicant regards as the invention. More specifically, the Office Action states that it is unclear whether “wrapping means” and the “cast forming gauze” are meant to be the same element, and that the specification only discloses the gauze as being wrapped over the protective covering and no additional structures. Applicant respectfully turns the Examiner’s attention to paragraphs [0009] and [0029] wherein a wrap, for example, a plastic wrap, is described as being

wrapped around the protective covering prior to applying the cast forming gauze. Accordingly, Applicant respectfully submits that claim 16 as amended herein is not indefinite and respectfully requests withdrawal of the rejection.

Rejection Under 35 U.S.C. §102

Claims 1, 3-6 and 9-11 are rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,830,237 to Kania ("Kania"). Applicant respectfully submits that Kania, which is directed to a prosthetic leg, fails to teach or suggest at least a "removable cast" as claimed in independent claim 1. Whereas the Office Action refers to the hard socket of Kania as the "removable cast" claimed in independent claim 1, Applicant respectfully points out that the hard socket of Kania is an integral part of the prosthetic leg to form the prosthesis, which is fundamentally different from a cast.

One of ordinary skill in the art would appreciate that whereas a prosthesis such as the one disclosed in Kania typically includes a leg and a foot upon which the patient can walk or stand, a cast does not. A cast is usually not constructed and arranged to be attached to a leg or foot to form a prosthesis. A prosthetic leg is typically intended to be removed before the wearer goes to sleep, for example, because it may be uncomfortable, to avoid damaging the prosthesis, and the like. In contrast, a cast is constructed and designed to be worn while sleeping and need not be removed because it is not attached to a leg or foot. Additionally, it is not probable and one of ordinary skill in the art would not understand that the leg or foot of the prosthesis of Kania could be removed from the hard socket, at least because it is the function of the hard socket to be attached to the leg in order to connect the leg to the limb. Such a modification would frustrate the purpose of the hard socket and would be an improper use of hindsight.

Furthermore, one of ordinary skill in the art would appreciate that a “cast” is usually formed by wrapping a limb with a flexible material, such as gauze. A prosthesis, in contrast, is not usually wrapped around a limb but is often molded, such as via injection molding as described by Kania. As Kania further states, the rigid socket can be made of thermoplastic or fiber-reinforced thermoset materials, wood, metal, and other hard materials. Such materials are not readily wrapped around a limb, and accordingly, Kania does not disclose or suggest a removable cast as claimed.

Accordingly, the structure, intended use, and function served and the like of a prosthetic leg is fundamentally different from a removable cast. At least because Kania fails to teach or suggest “a removable cast,” Applicant respectfully submits that Kania does not anticipate independent claim 1 and dependent claims 3-6 and 9-11 depending therefrom.

Rejection Under 35 U.S.C. §103

Claims 2, 7 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kania in view of U.S. Patent No. 6,368,357 to Schon (“Schon”). Applicants respectfully submit that at least because Kania fails to anticipate independent claim 1 from which claims 2, 7 and 8 depend, Kania in view of Schon fails to render dependent claims 2, 7 and 8 unpatentable. More specifically, Kania in view of Schon fails to teach or suggest a dressing comprising “a thermo plastic gel liner, a protective covering over the liner, a removable cast and a mechanism for securing the removable cast to the limb” as claimed.

No fee, other than the one-month extension fee enclosed herewith is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, the Examiner is hereby authorized to charge the amount of such fee to Deposit Account No. 19-4709.

Respectfully submitted,

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